

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Misc. No. M- 28106 of 2016(O&M)

Date of Decision: February 28 , 2017.

Sarwan Singh and others PETITIONER(s)

Versus

State of Punjab and another RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gaurav Sharma, Advocate for
Ms. Rakhi Sharma, Advocate
for the petitioners.

Mr. Arjinder Singh Sidhu, AAG, Punjab.

Mr. Kewal Krishan, Advocate
for respondent No.2.

LISA GILL, J.

Prayer in this petition is for quashing of FIR No.22 dated 21.11.2014 under Section 498A IPC registered at Police Station Women, District Amritsar and all other consequential proceedings arising therefrom on the basis of compromise having been entered into between the parties.

The abovesaid FIR was registered on a complaint submitted by respondent No.2 – Smt. Mandeep Kaur on account of matrimonial discord between petitioner No.1 and respondent No.2.

With the intervention of respectables and relatives, the matter has been amicably settled between the parties, the terms of which were reduced in

writing on 24.05.2016. The parties wish to live in peace and harmony and put an end to the acrimony between them. The present petition has been filed on the basis of this compromise.

Learned counsel for the petitioners submits that petitioner No.1 and respondent No.2 have resumed cohabitation and are living together peacefully in their matrimonial home.

This Court on 10.01.2017 had directed the parties to appear before learned Illaqa/Area Magistrate on 19.01.2017 for getting their statements recorded in respect to the above-mentioned compromise. Learned Illaqa Magistrate was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence. Learned Illaqa Magistrate was also directed to intimate whether any of the petitioners are proclaimed offenders and whether any other case is pending against them. Information was sought as to whether all affected persons are a party to the settlement.

Pursuant to order dated 10.01.2017, the parties appeared before the learned Chief Judicial Magistrate, Amritsar and their statements were recorded on 19.01.2017. Respondent No.2 – Smt. Mandeep Kaur made a statement to the effect that a settlement has been arrived at between her and all the accused persons. The settlement has been arrived at out of her free will and consent without any kind of pressure or coercion. She has further stated that she is residing with her husband and minor child in the matrimonial home. She has no objection to the quashing of the abovesaid FIR against all the petitioners. A joint statement of all the petitioners has also been recorded.

As per report dated 02.02.2017 received from the learned Chief Judicial Magistrate, Amritsar it is noted that the compromise between the parties appears to be genuine and arrived at without any pressure on either side. None of the petitioners are proclaimed offenders. There are five accused in the FIR, all of whom are petitioners in this petition. The statements of the parties have been appended along with the said report.

Learned counsel for respondent No.2 reaffirms and verifies the factum of settlement between the parties. It is reiterated that respondent No.2 has resumed cohabitation with her husband i.e. petitioner No.1 and they are living together. Respondent No.2, it is stated, has no objection to the quashing of the abovementioned FIR against the petitioners.

Learned counsel for the State, on instructions from ASI Surjit Singh, submits that as the abovesaid FIR stems from a matrimonial dispute the State has no objection to the quashing of this FIR on the basis of a settlement between the parties.

In **Kulwinder Singh and others versus State of Punjab and another** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

The Hon'ble Supreme Court in **B.S.Joshi and others v. State of Haryana, 2003(4) SCC 675** has observed that it becomes the duty of the Court

to encourage genuine settlements of matrimonial disputes.

Keeping in view the facts and circumstances of this case, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in the futility.

This petition is, thus, allowed and FIR No.22 dated 21.11.2014 under Section 498A IPC registered at Police Station Women, District Amritsar alongwith all consequential proceedings are, hereby, quashed qua the petitioner.

(**LISA GILL**)
JUDGE

February 28 , 2017.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No